

ORIGINAL



0000107437

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW

RECEIVED

P. O. Box 1448
TUBAC, ARIZONA 85646

2009 DEC 28 A 9:23

OF COUNSEL TO
MUNGER CHADWICK, P.L.C.

(520) 398-0411
FAX: (520) 398-0412
EMAIL: TUBACLAWYER@AOL.COM

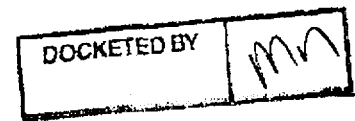
ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLUMBIA

December 23, 2009

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Arizona Corporation Commission
DOCKETED

DEC 28 2009



Re: Red Rock Utilities, L.L.C.
Docket No. WS-04245A-04-0184

To Whom It May Concern:

Enclosed for filing in the above-referenced proceeding are the original and thirteen (13) copies of a Motion For Extension of Compliance Filing Date Deadline ("Motion"), on behalf of Red Rock Utilities, L.L.C.

Also enclosed are two (2) additional copies of the Motion. I would appreciate it if you would "filed" stamp the same and return them to me in the enclosed stamped and addressed envelope.

Thank you for your assistance. Please advise Mr. Robertson or me if you have any questions.

Sincerely,

Angela R. Trujillo

Secretary

Lawrence V. Robertson, Jr.

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P.O. Box 1448
Tubac, Arizona 85646
(520) 398-0411

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

IN THE MATTER OF THE APPLICATION) DOCKET NO. WS-04245A-04-0184
OF RED ROCK UTILITIES, L.L.C. FOR A)
CERTIFICATE OF CONVENIENCE AND) MOTION FOR EXTENSION OF
NECESSITY TO PROVIDE WATER AND) COMPLIANCE FILING DATE
WASTEWATER SERVICE TO A PORTION) DEADLINE
OF PINAL COUNTY.)

I.

INTRODUCTION

By means of this Motion For Extension of Compliance Filing Date Deadline ("Motion"), Red Rock Utilities, L.L.C. ("Red Rock") requests that the Commission issue an appropriate order extending the deadline for Red Rock filing a rate application from February 2, 2010 to August 3, 2012. In support of its Motion, Red Rock submits the following information.

II.

BACKGROUND

On November 2, 2004, the Commission issued Decision No. 67409 granting a certificate of convenience and necessity ("CC&N") to Red Rock to provide water and wastewater service in an unincorporated area in Pinal County, Arizona, approximately 13 miles northwest of the Town of Marana. Finding of Fact No. 25 (d) in Decision No. 67409 contains the following recommendation from the Commission's Staff as a condition to granting the CC&N requested by Red Rock:

"... that the Commission require Red Rock to file a [water] rate application no later than three months following the fifth anniversary of any decision in this matter." [Decision No. 67409, page 5, lines 16.5-17.5]

1 Finding of Fact No. 34 (c) in Decision No. 67409 contains a similar recommendation with
2 respect to the wastewater authorization then being requested by Red Rock:

3 “...that the Commission require Red Rock to file a [wastewater]
4 rate application no later than three months following the fifth
5 anniversary of any decision in this matter.” [Decision No. 67409,
6 page 8, lines 21-22]

7 Conclusion of Law No. 6 in Decision No. 67409 states that

8 “Staff’s recommendations, in Findings of Fact Nos. ...25... [and]
9 34... should be adopted.” [Decision No. 67409, page 9, lines 25.5-
10 26.5]

11 The adoption by the Commission which is pertinent to the instant Motion appears in the Eighth
12 Ordering Paragraph of Decision No. 67409, which provides that

13 “IT IS FURTHER ORDERED that Red Rock shall file a rate
14 application for its water and wastewater systems no later than three
15 months following the fifth anniversary of this Decision including
16 the information required in Finding of Fact No. 32.” [Decision No.
17 67409, page 13, lines 12-14]

18 Decision No. 67409 was issued on November 2, 2004. Accordingly, the deadline for
19 complying with the aforesaid condition is February 2, 2010, or five years and three months after
20 the date of issuance of Decision No. 67409.

21 III.

22 INTERIM CIRCUMSTANCES OCCASIONING INSTANT MOTION

23 Subsequent to the issuance of Decision No. 67409 on November 2, 2004, the original
24 master developer of the Red Rock Village master-planned community sold the project to Pulte
25 Homes, a national home builder company with an established and well-regarded record for
26 developing master-planned communities throughout the United States. As a result of that change
27 in project ownership, and other circumstances beyond the control of Red Rock (including the
28 current recession and associated slowdown in homebuilding), the pace of development within
Red Rock Village has not been as rapid as originally anticipated. In that regard, Red Rock’s first
water and wastewater service customer in Red Rock Village was connected to Red Rock’s
system(s) on August 3, 2007.

1 In addition, and in connection with the foregoing, Finding of Fact No. 32 in Decision No.
2 67409 contained the following recommendation from the Commission's Staff:

3 "To determine if tiered wastewater rates based on water
4 consumption would be an appropriate rate design, we will
5 require Red Rock to include a proposal in its next rate case
6 filing that will present information on 1) whether wastewater
7 rates based on water consumption encourage water
8 conservation; 2) whether higher bills for those who use the
9 system more is a fairer way to collect revenue and 3) what tiered
wastewater rates based on water consumption would look like
compared to a flat rate design." [Decision No. 67409, page 8,
lines 1-6] [emphasis added]

10 This recommendation was also among those adopted by the Commission in Conclusion of
11 Law No. 6 in Decision No. 67409. In that regard, Red Rock believes that an extension of the
12 date for filing Red Rock's next rate case, as herein requested, would provide both the
13 Commission and its Staff with more meaningful data responsive to the questions posed in
14 Finding of Fact No. 32 than might otherwise be the case.

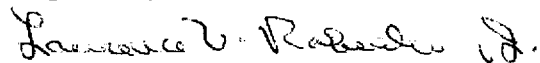
15 IV.

16 CONCLUSION

17 WHEREFORE, for the reasons discussed above, Red Rock requests by means of this
18 Motion that the Commission issue an appropriate order extending the deadline for Red Rock
19 filing a rate application for its Pinal County water and wastewater systems from February 2,
20 2010 to August 3, 2012.¹

21 Dated this 23rd of December 2009.

22 Respectfully submitted,

23 

24 Lawrence V. Robertson, Jr.
25 Attorney for Red Rock Utilities, L.L.C.

26 ¹ Red Rock's suggestion of this date is based upon its understanding that in recent years the Commission's decisions
27 granting CC&Ns have required that the recipient of the CC&N file its next rate case no later than five (5) years after
28 its inception of service, rather than five (5) years from the date of the CC&N decision. As noted in Section III
above, Red Rock's inception of service to Red Rock Village was on August 3, 2007; and, five (5) years from that
date is August 3, 2012.

LAWRENCE V. ROBERTSON, JR.

ATTORNEY AT LAW

P.O. Box 1448

Tubac, Arizona 85646

(520) 398-0411

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The original and thirteen (13) copies of the foregoing Motion will be mailed for filing this 23rd day of December 2009 to:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

A copy of the foregoing Motion has been emailed or mailed this same date to:

Lyn A. Farmer,
Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Steve Olea, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Kimberly D. Battista, Chief
Compliance & Enforcement
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Janice M. Alward, Chief Counsel
Legal Division
Arizona Corporation Commission
1200 W Washington
Phoenix, AZ 85007-2927

Red Rock Utilities, L.L.C.
2200 East River Road, Suite 115
Tucson, Arizona 85718